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EXAMINER

EKONG, EMEM

ART UNIT PAPER NUMBER

2617

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,083

Applicant(s)

OESTERLING, CHRISTOPHER L.

Examiner

EMEM EKONG

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/9/2006 have been fully considered but they are not persuasive.

Applicant's argument on reason for combining Krasner and Tzamaloukas is not persuasive for reason that Krasner failed to disclose establishing a communication gateway between the detected wireless access point and a service provider utilizing the vehicle telematics device. Tzamaloukas discloses a GPS receiver in an automobile for communicating information with central server for the purpose of establishing communication, which serves as reason for combining, therefore, Tzamaloukas discloses applicant's limitation of "data communication between wireless access point and service provider gateway".

Therefore the argued limitations are the same as disclosed by the reference or the limitations are written broad such that they read on the cited art, rejections, are maintained as repeated below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1, 2, 4-11, and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2004/0142678 A1 to Norman Krasner (Krasner) in view of US. Patent No. 6,925,378 B2 to Tzamaloukas.

Regarding claim 1, Krasner discloses a method of operating a vehicle telematics device as a communication gateway (see figure 1),

Krasner discloses detecting a mobile device with a vehicle telematics device (detection system) (see figure 1); establishing a communication gateway (wireless link) between the detected mobile device and a service provider (PSAP) utilizing the vehicle telematics device (par. 0042); and communicating data between the mobile device and the service provider via the communication gateway (pars. 0042-0045, and 0069-0072).

However, Krasner fails to disclose detecting wireless access point; establishing a communication gateway between the detected wireless access point and a service provider utilizing the vehicle telematics device; and communicating data between the wireless access point and the service provider via the communication gateway, and wherein the wireless access point is a wireless modem unit within a secondary mobile vehicle.

Tzamaloukas discloses detecting wireless access point; establishing a communication gateway between the detected wireless access point and a service provider (central server) utilizing the vehicle telematics device; and communicating data between the wireless access point and the service provider via the communication gateway (see figure 1, claim 1, col. 3 line 17-col. 4 line 58, and col. 7 line 40-col. 8 line 50), and wherein the wireless access point is a wireless modem unit within a secondary mobile vehicle (col. 5 line 61-col. 6 line 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Krasner, by detecting wireless access point; and establishing a communication gateway between the detected wireless access point and a service provider (central server) utilizing the vehicle telematics device and communicating data between the wireless access point and the service provider via the communication gateway, and wherein the wireless access point is a wireless modem unit within a secondary mobile vehicle as disclosed by Tzamaloukas for the purpose of establishing communication.

Regarding claim 10, Krasner discloses a computer readable medium storing a computer program comprising: computer readable code for detecting a mobile device with a vehicle telematics device (detection system) (see figure 1); computer readable code for establishing a communication gateway (wireless link) between the detected mobile device and a service provider (PSAP) utilizing the vehicle telematics device (par.

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0042); and computer readable code for communicating data between the mobile device and the service provider via the communication gateway (see figure 4, and pars. 0042-0045).

However, Krasner fails to disclose computer readable code for detecting wireless access point; computer readable code for establishing a communication gateway between the detected wireless access point and a service provider (central server) utilizing the vehicle telematics device; and computer readable code for communicating data between the wireless access point and the service provider (central server) via the communication gateway, and wherein the wireless access point is a wireless modem unit within a secondary mobile vehicle.

Tzamaloukas discloses computer readable code for detecting wireless access point; computer readable code for establishing a communication gateway between the detected wireless access point and a service provider (central server) utilizing the vehicle telematics device; and computer readable code for communicating data between the wireless access point and the service provider (central server) via the communication gateway, (see figure 1, claim 1, col. 3 line 17-col. 4 line 58, col. 7 line 40-col. 8 line 50, and col. 10 line 62-col. 11 line 35) and wherein the wireless access point is a wireless modem unit within a secondary mobile vehicle (col. 5 line 61-col. 6 line 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Krasner, by detecting wireless access point; and establishing a communication gateway between the detected wireless access

point and a service provider (central server) utilizing the vehicle telematics device and communicating data between the wireless access point and the service provider via the communication gateway, and wherein the wireless access point is a wireless modem unit within a secondary mobile vehicle as disclosed by Tzamaloukas for the purpose of establishing communication.

Regarding claim 13, Krasner discloses the computer readable medium of claim 10, wherein the computer readable code for establishing the communication gateway (wireless link) between the detected mobile device and the service provider (PSAP) comprises: computer readable code for directing the reception of identification information from the detected mobile device; computer readable code for directing the transmission of the received identification information to the service provider for authentication (authentication is performed when information about a person is retrieved) (see figures 4 and 5, pars.0008, 0057- 0062, 0084 and 0085);

computer readable code for directing the reception of a data stream for the mobile device from the service provider; and computer readable code for directing the transmission of the received data stream to the mobile device (see figures 2 and 3, and pars.0057- 0062).

However, Krasner fails to disclose computer readable code for detecting wireless access point (claim 1); computer readable code for directing the reception of identification information from the detected mobile device; computer readable code for directing the transmission of the received identification information to the service

provider for authentication; computer readable code for directing the reception of a data stream for the wireless access point from the service provider; and computer readable code for directing the transmission of the received data stream to the wireless access point.

Tzamaloukas discloses computer readable code for detecting wireless access point (claim 1); computer readable code for authentication of wireless access point (col. 13 lines 7-35); computer readable code for directing the reception of a data stream for the wireless access point from the service provider; and computer readable code for directing the transmission of the received data stream to the wireless access point (see figure 1, col. 3 line 17-col. 4 line 58, col. 7 line 40-col. 8 line 50, and col. 10 line 62-col. 11 line 35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Krasner, and have a computer readable code for detecting wireless access point; computer readable code for authentication of wireless access point; computer readable code for directing the reception of a data stream for the wireless access point from the service provider; and computer readable code for directing the transmission of the received data stream to the wireless access point as disclosed by Tzamaloukas for the purpose of establishing communication.

Regarding claim 19, Krasner Tzamaloukas discloses a system for operating a vehicle telematics device as a communication gateway (wireless link), comprising (par. 0003) means for detecting (detection system) mobile device with a vehicle telematics

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device (see figure 1); means for establishing a communication gateway (wireless link) between the detected mobile device and a service provider (PSAP) utilizing the vehicle telematics device (par. 0042); and means for communicating data between the mobile device and the service provider (PSAP) via the communication gateway (wireless link) (pars. 0042-0045).

However, Krasner fails to disclose means for detecting wireless access point; means for establishing a communication gateway between the detected wireless access point and a service provider (central server) utilizing the vehicle telematics device; and means for communicating data between the wireless access point and the service provider via the communication gateway, and wherein the wireless access point is a wireless modem unit within a secondary mobile vehicle.

Tzamaloukas discloses means detecting wireless access point (claim 1, and col. 7 line 40-col. 8 line 50, locate position module); means for establishing a communication gateway between the detected wireless access point and a service provider (central server) utilizing the vehicle telematics device; and means for communicating data between the wireless access point and the service provider via the communication gateway (input/output module, see figures 1, 3, col. 3 line 17-col. 4 line 58, and col. 5 line 61-col. 6 line 4), and wherein the wireless access point is a wireless modem unit within a secondary mobile vehicle(col. 5 line 61-col. 6 line 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Krasner, and have a means detecting wireless access point; means for establishing a communication gateway between the

detected wireless access point and a service provider (central server) utilizing the vehicle telematics device; and means for communicating data between the wireless access point and the service provider via the communication gateway, and wherein the wireless access point is a wireless modem unit within a secondary mobile vehicle as disclosed by Tzamaloukas for the purpose of establishing communication.

Regarding claim 2, the combination of Krasner and Tzamaloukas discloses the method of claim 1, wherein detecting the wireless access point (mobile device) comprises receiving a transmission from a wireless modem unit (detection system) (Krasner, see figure 2, and pars. 0042-0044).

Regarding claim 4, the combination of Krasner and Tzamaloukas discloses the method of claim 1, wherein establishing the communication gateway (wireless link) between the detected wireless access point (mobile device) and the service provider (PSAP) comprises: receiving identification information from the detected wireless access point (mobile device); transmitting the received identification information to the service provider for authentication (authentication is performed when information about a person is retrieved) (Krasner, see figures 4 and 5, pars.0008, 0057- 0062, 0084 and 0085); receiving a data stream for the wireless access point from the service provider(PSAP); and transmitting the received data stream to the wireless access point (mobile device) (see figures 2 and 3, and pars.0057- 0062).

Regarding claim 5, the combination of Krasner and Tzamaloukas discloses the method of claim 4, further comprising: receiving a data stream for the

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communication gateway (wireless link) from the service provider (PSAP), the data stream including instructions for the communication gateway; and implementing the received instructions (emergency or vehicular information received are implemented) (Krasner, pars. 0012-0014, and 0057-0062).

Regarding claims 6-8 and 15-17, the combination of Krasner and Tzamaloukas discloses the computer readable medium with computer readable code and method of claims 1 and 10, wherein establishing the communication gateway between the detected wireless access point and the service provider comprises:

establishing communication between the communication gateway (wireless link) and the detected wireless access point (mobile device) utilizing a first communication protocol (Krasner, par. 0016); and

establishing communication between the communication gateway and the service provider (PSAP) utilizing a second communication protocol (reads on claims 6 and 15) (Krasner, pars. 0016-0021);

the first communication protocol is selected from the group consisting of: 802.11 series, Bluetooth, Wi-Fi, direct-sequence spread spectrum, frequency-hopping spread spectrum, and shared wireless access protocol (reads on claims 7 and 16) (Krasner, par. 0016);

and the first communication protocol is a FCC Part 15 protocol (reads on claims 8 and 17) (Krasner, pars. 0014-0016 and 0033).

Regarding claims 9, and 18, the combination of Krasner and Tzamaloukas discloses the computer readable medium and the method of claims 1 and 10, wherein

the data is pre-packaged at the service provider for compatibility with a wireless access point protocol (Tzamaloukas, col. 14 line 58-col. 15 line 5).

Regarding claim 11, the combination of Krasner and Tzamaloukas discloses the computer readable medium of claim 10, wherein the computer readable code for detecting the wireless access point (mobile device) comprises computer readable code for directing the reception of a transmission from the wireless access point (Krasner, see figures 2, and 4, pars. 0050, and 0059-0061).

Regarding claim 14, the combination of Krasner and Tzamaloukas discloses the computer readable medium of claim 13, further comprising: computer readable code for directing the reception of a data stream for the communication gateway (wireless link) from the service provider (PSAP), the data stream including instructions for the communication gateway; and computer readable code for implementing the received instructions (emergency or vehicular information received are implemented) (Krasner, pars. 0012-0014, and 0057-0062).

5. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krasner in view of Tzamaloukas, and further in view of U.S. Publication No. 2005/0135302 A1 to Wang et al.

Regarding claims 3 and 12, the combination of Krasner and Tzamaloukas discloses the computer readable and method of claims 1 and 10, wherein detecting the wireless access point (mobile device) comprises: transmitting a polling message (event message) (Krasner, see figure 3, pars. 0044, and 0057-0060).).

However, the combination fails to disclose receiving a response to the polling message, the response generated by the wireless access point.

Wang et al. discloses receiving a response to the polling message, the response generated by the wireless access point (pars. 0007, 0014-0015, and 0033-0035).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, such that a response to the polling message is generated by the wireless access point as taught by Wang et al. for the purpose of communication.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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